

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 SS-15 NSC-05

PA-01 PRS-01 USIE-00 SSO-00 NSCE-00 INRE-00 /048 W

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O 071710Z FEB 75

FM AMCONSUL SAO PAULO

TO SECSTATE WASHDC IMMEDIATE 5991

AMCONSUL RIO DE JANEIRO IMMEDIATE

INFO AMEMBASSY BRASILIA IMMEDIATE

C O N F I D E N T I A L SAO PAULO 0355

E.O. 11652: GDS

TAGS: EAIR, BR

SUBJECT: ALLEGED PAN AM EVICTION FROM COUNTER AT CONGONHAS

REF: RIO 423

1. UPON RECEIPT OF REFTTEL, CONSUL GENERAL UNSUCCESSFULLY TRIED TO REACH SENIOR PAN AM OFFICER SOLOMON AND SENIOR CONGONHAS DAC AIRPORT OFFICIAL ENGINEER FERNANDO JOSE NOGUEIRA BY TELEPHONE. CONSUL GENERAL AND CONSULATE COMMERCIAL OFFICER WENT TO CONGONHAS AIRPORT AT 10 AM WHERE PAN AM COUNTER WAS FOUND OPERATING AND ABOUT TO CLOSE PURSUANT TO NORMAL BUSINESS HOURS. CONSUL GENERAL WAS ABLE TO SPEAK WITH RASKIN OF PAN AM'S DOWNTOWN OFFICE AND SOLOMON AT VIRACOPOS AT LENGTH CONCERNING ALLEGED PHYSICAL EVICTION OF PAN AM FROM ITS COUNTER. MEANWHILE, COMMERCIAL OFFICER DISCUSSED SITUATION IN DETAIL WITH BRAZILIAN COUNTER AGENT. THE FOLLOWING IS A COMPOSITE SUMMARY OF THE INFORMATION OBTAINED:

A. PAN AM IS CURRENTLY OPERATING IN AN AREA WITH TWO COUNTERS AND AN OFFICE BEHIND WHICH CAN BE LOCKED AND WHICH IS OCCUPIED EXCLUSIVELY BY PAN AM PURSUANT TO A LETTER FROM DAC WHEN IT WAS NECESSARY TO TAKE OVER PAN AM'S PREVIOUS COUNTER SPACE IN CONNECTION WITH AIRPORT IMPROVEMENTS. SOLOMON DID NOT INDICATE
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THAT PAN AM HAD PROTESTED THE LETTER WHEN IT WAS ISSUED. SUBSEQUENT

TO PAN AM'S MOVE TO ITS PRESENT TEMPORARY QUARTERS, OTHER INTERNATIONAL CARRIERS SUCH AS TAP, KLM AND SWISS AIR, CITED SUBSEQUENTLY BY SOLOMON, HAD MOVED INTO SPACE WHICH SOLOMON CONSIDERED BETTER. SOLOMON HAD THEN APPROACHED NOGUEIRA HAD ALLEGED DISCRIMINATION AND HAD NOTED 1) THAT THE CARRIERS HAD MOVED AFTER PAN AM, 2) THAT PAN AM HAD A LEASE FOR FIXED COUNTER SPACE-OFFICE SPACE 3) THAT PAN AM HAD A LARGE PASSENGER LOAD AND 4) THAT PAN AM IS THE OLDEST TENNANT OF THE AIRPORT. NOGUEIRA HAD SUGGESTED THAT SOLOMON NEGOTIATE WITH SWISS AIR DIRECTLY ABOUT JOINT USE OF THEIR COUNTER FOR THE TIME BEING, SELECTING SWISS AIR BECAUSE WE UNDERSTAND THAT PAN AM EVENTUALLY IS SCHEDULED TO OCCUPY THE SWISS AIR COUNTER SPACE, WHICH IS ONLY ONE COUNTER NOT TWO. SOLOMON HAD DEMURRED, STATING THAT IT WAS AN OBLIGATION OF THE AIRPORT AUTHORITIES TO ASSIGN COUNTER SPACE AND NOT APPROPRIATE FOR AIRLINES TO NEGOTIATE AMONG THEMSELVES. NEVERTHELESS, SOLOMON HAD ATTEMPTED TO NEGOTIATE WITH SWISS AIR, BUT SWISS AIR WAS UNABLE TO MAKE A DECISION AS ITS LOCAL MANAGER WAS VACATIONING IN ACAPULCO.

B. SOLOMON TOLD CONSUL GENERAL THAT PAN AM HAD THEN MOVED INTO SWISS AIR SPACE PLACING ITS SIGNS AND WAS OPERATING IN THAT AREA JOINTLY WITH SWISS AIR, ALTHOUGH SWISS AIR AGENTS WERE NOT ENTIRELY HAPPY WITH THIS ARRANGEMENT. ON THE EVENING OF FEBRUARY THREE, NOGUEIRA HAPPENED BY IN HIS INSPECTION OF THE IMPROVEMENTS AT THE AIRPORT AND DIRECTED PAN AM TO MOVE BACK TO ITS ASSIGNED TEMPORARY QUARTERS AND DAC PERSONNEL TOOK DOWN PAN AM'S SIGNS. SOLOMON STATES THAT THE TAKING DOWN OF PAN AM'S SIGNS IS THE ONLY "PHYSICAL EVICTION" THAT TOOK PLACE. PAN AM RE-ESTABLISHED ITSELF IN ITS ASSIGNED SPACE AND IS OPERATING THERE WITH MORE COUNTER SPACE THAN IT WOULD HAVE HAD IF IT HAD REMAINED AT THE SWISS AIR LOCATION. BRAZILIAN COUNTER AGENT PRESENT THIS MORNING TOLD CONSUL GENERAL THAT HE PERSONALLY PREFERRED THE SPACE FROM WHICH PAN AM IS NOW OPERATING, ALTHOUGH THERE WAS A FIGHT (BRIGADE) UP THE LINE BETWEEN HIS SUPERIORS AND AIRPORT AUTHORITIES.

C. SOLOMON PLANS TO TAKE THE WHOLE MATTER UP WITH ENGINEER WALDYR LAZARO BUENO, THE CONGONHAS AIRPORT DIRECTOR, WHEN THE LATTER RETURNS AT THE END OF CARNIVAL FEBRUARY 12 OR 13. MEANWHILE, CONFIDENTIAL

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HE EXPRESSED HOPE THAT CONSUL GENERAL WOULD PUT IN A GOOD WORD WITH ENGINEER NOGUEIRA. CONSUL GENERAL AND COMMERCIAL OFFICER ATTEMPTED TO CALL ON NOGUEIRA IN HIS OFFICE BUT WERE TOLD THAT NOGUEIRA WAS INSPECTING THE CONSTRUCTION UNDERWAY. (WE DO KNOW THAT NOGUEIRA WAS IN THE CONSTRUCTION AREA PREVIOUS TO OUR CALL, BUT WE WERE UNABLE TO FIND HIM IN THE CONSTRUCTION AREA AND WERE TOLD THAT HE HAD LEFT THE CONSTRUCTION SITE). A SUBSEQUENT VISIT TO NOGUEIRA'S

OFFICE RESULTED IN A FURTHER REPORT THAT HE WAS OUT INSPECTING CONSTRUCTION SITES. WE ARE CONTINUING TO ATTEMPT TO REACH NOGUEIRA BY TELEPHONE OR MAKE AN APPOINTMENT TO SEE HIM, ALTHOUGH WE BELIEVE THAT NOGUEIRA IS AVOIDING US AND ATTEMPTING TO POSTPONE FURTHER DISCUSSION UNTIL THE RETURN OF HIS BOSS, BUENO, AFTER CARNIVAL. NOGUEIRA IS A TECHNICIAN AND NOT A POLICY FORMULATOR, AS WE UNDERSTAND IT.

D. THE ISSUE OF PAN AM'S ULTIMATE SPACE IN CONGONHAS REMAINS UNCLEAR AFTER OUR VARIOUS CONVERSATIONS. SOLOMON IS INSISTING ON TWO COUNTERS AND SPACE EQUIVALENT TO AEROLINEAS ARGENTINAS, IN PART ON THE ASSUMPTION THAT THE 727 WILL BE OPERATING OUT OF CONGONHAS, AN ASSUMPTION WHICH MAY WELL NOT BE VALID (SEE RIO 0419).

2. CONSUL GENERAL CALLED RIO ECON/COMMERCIAL OFFICER AND RELAYED ESSENCE OF THE ABOVE IN VIEW OF THE URGENCY OF THE SITUATION AND MADE FOLLOWING TWO RECOMMENDATIONS:

A. THAT PAN AM NOT RAISE THE COUNTER ISSUE WITH DAC AT A HIGH-LEVEL IN RIO AT THIS TIME BUT WAIT OUTCOME SOLOMON/BUENO TALKS FOLLOWING CARNIVAL AND; B. THAT US GOVERNMENT NOT ENTER THE FRAY AT THIS POINT PENDING FURTHER DISCUSSIONS AT THE LOCAL LEVEL BETWEEN PAN AM AND CONGONHAS AIRPORT AUTHORITIES. THE POSSIBILITY OF PRIVATE NEGOTIATIONS TO SETTLE THIS TECHNICAL ISSUE DO NOT APPEAR TO BE EXHAUSTED.
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